

Application No.: 10/020,592  
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**REMARKS**

Claims 25-35 and 41-46 are presently pending. Claims 25-35, 45 and 46 are allowed and claims 43 and 44 have been indicated as including allowable subject matter. This determination is gratefully acknowledged.

Claims 41 and 42 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,969,458 to Witkor. This determination is respectfully traversed.

It is submitted that independent claim 41 is not anticipated by Witkor. Claim 41 recites a method of forming a stent delivery device. The method includes the steps of providing a catheter having an inflatable portion, placing a stent on the inflatable portion and releasably retaining the stent to the inflatable portion by depressions formed therein. Contrary to the Examiner's assertion, there is absolutely no disclosure in Witkor of using any depressions formed in the balloon to retain the stent.

The Examiner contends that in Witkor, the stent is releasably retained within depressions formed on the balloon. The Examiner relies on Figure 2, where at the loops 6 of the stent 1 there appears to be short lines emanating therefrom on the surface of the balloon. While it may be that end loops of the stent cause some deformation of the balloon which is depicted by the "stress" lines shown in Figure 2, there is absolutely no disclosure in Witkor that any such deformation in

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the balloon releasably retains the stent to the inflatable portion. The Examiner has failed to point out any such disclosure in Witkor.

As noted previously, for a reference to anticipate a method claim, each step of the claim must be described or embodied either expressly or inherently in the reference of record.

*Glaverbel S.A. v. Northlake Mkt'g & Supp. Inc.*, 45 F.3d 1550, 33 USPQ2d 1496 (Fed. Cir. 1995). Witkor does not either expressly or inherently disclose the step of releasably retaining the stent in depressions in the inflatable portion of a balloon catheter. As such, as a matter of law, Witkor does not anticipate claim 41. Accordingly, claim 41 and the claims that depend therefrom are believed to be patentable over Witkor.

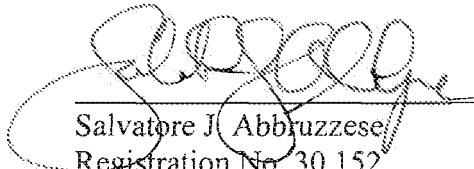
Having responded in full to the present Office Action, it is respectfully submitted that the application, including claims 25-35 and 41-46, is in condition for allowance. Favorable action thereon is respectfully solicited.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

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Should the Examiner have any questions or comments with regard to the application or this amendment, the Examiner is respectfully requested to contact undersigned counsel.

Respectfully submitted,



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